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Office Memorandum • UNITED STATES GOVERNMENT**OGC HAS REVIEWED.**

TO : Comptroller

DATE: 1 March 1961

FROM : Chief, Fiscal Division

SUBJECT: Financial Planning for Pay for Overtime,
Night, and Holiday Work

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1. The Deputy, General Counsel was contacted concerning his inquiry as to the effect, if any, on financial planning for pay for overtime, night and holiday work if the Federal Employees Pay Act of 1945 did not apply to the Agency. He did not intend to refer to PL 390-79, Federal Employees Pay Act of 1946 but to PL 106-79 the pay act of 1945. He stated that in his opinion the chances were about even that the Comptroller General would rule that the provisions of the 1945 pay act did not apply to this Agency and if there was an advantage in financial planning if the Agency was excluded from the provisions of this act he would request an opinion from the Comptroller General.

2. If an opinion was obtained from the Comptroller General that the Agency was excluded from the provisions of PL 106-79 an Agency regulation relative to pay for overtime, night and holiday work would be required to set forth the policy for compensating officers and employees for such work and the procedures for implementing and administering the policy.

3. Regardless of whether pay for overtime, night and holiday work is made under provisions of public law or under Agency regulation financial plans must be made to provide the funds necessary to pay for such costs.

4. It is my opinion that there would be practically no change in the financial planning for pay for overtime, night and holiday work if an opinion was obtained from the Comptroller General stating that the Agency was excluded from the provisions of the Federal Employees Pay Act of 1945.

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